

REMARKS

This communication is in response to the Official Action mailed August 11, 2004, the shortened statutory period for filing a response having expired on November 11, 2004. In this regard, Applicant submits herewith a three-month extension petition to reset the deadline for responding to the Official Action to and including February 11, 2005.

Pending in the current application are claims 1, 2, 4-10 and 21. The only outstanding rejection is one of provisional obviousness-type double patenting in view of Applicant's co-pending Application No. 10/079,624. As Applicant explained in connection with interviews conducted with Examiner Cole on January 7 and 11, 2005, where, as here, the "provisional" double patenting rejection is the only rejection remaining, the Examiner should withdraw the rejection and permit the application to issue. MPEP § 804(I)(B). We also requested that the Examiner consider an Information Disclosure Statement submitted on August 13, 2004 that crossed in the mail with the pending Official Action. No other matters were discussed, and the Examiner has informed us that a detailed Interview Summary of our conversations has been entered into the record.

Accordingly, as it is believed that all of the rejections set forth in the Official Action have been fully addressed, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

Application No.: 09/813,523

Docket No.: LUZZATTO 3.0-082

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 9, 2005

Respectfully submitted,

By Michael D. Braunstein
Michael D. Braunstein
Registration No.: 51,248
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

543246_1.DOC